

Yet another reason we do not credit Babbitt's suggestion that his letter to McCain was simply answering the question of whether he spoke to Ickes about the decision is the fact that in his letter Babbitt responded to all other questions posed in McCain's letter to him, *i.e.*, those concerning White House and DNC involvement on other Indian matters.⁸⁴² Indeed, if one compares the letters side by side, Babbitt responded to the inquiries in basically the order in which they appeared in McCain's letter to Babbitt – *i.e.*, Babbitt addresses McCain's questions about Eckstein and Ickes first, the White House next and then the DNC.

Babbitt's testimony that the focus of the McCain letter was on the Ickes allegation and not on the Eckstein conversation is further undermined by his own testimony. Babbitt acknowledged that the Eckstein conversation – and not just whether he actually spoke to Ickes – should have been central to his role in responding to McCain (as opposed to the memos he supplied McCain from Interior staff): "I think it was clear that with respect to the Eckstein conversation, that was – you know, that was for me to respond to. I was the only person present then."⁸⁴³ Moreover, Babbitt has taken inconsistent positions as to the phrasing in the key

⁸⁴¹(...continued)

Secretary Babbitt: I did not tell Mr. Eckstein that Mr. Ickes had instructed me to make a decision.

Babbitt Senate Test. at 267. *See also supra* at 389.

The word "instructed" first appeared in a draft of Babbitt's response to McCain prepared by Sibbison, who recalls having no knowledge of what actually transpired in the Eckstein-Babbitt discussion.

⁸⁴²*See* Letter from Sen. McCain to Bruce Babbitt, July 19, 1995, at p.3.

⁸⁴³Babbitt G.J. Test., July 7, 1999, at 213. *See also id.* at 204. On this point, Babbitt told the Grand Jury:

(continued...)